



Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

87-40 - SPECIAL REGULATIONS FOR GROUND FLOOR LEVEL

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87-40 - SPECIAL REGULATIONS FOR GROUND FLOOR LEVEL

LAST AMENDED
12/11/2017

The provisions set forth in this Section, inclusive, shall apply to #ground floor levels# of #developments# or #ground floor level# #enlargements# within the #Special Harlem River Waterfront District#, as applicable.

87-41 - Streetscape Requirements in the Core and South Subdistricts

LAST AMENDED
12/11/2017

In the Core and South Subdistricts, as shown on Map 1 in the Appendix to this Chapter, for #developments# or #ground floor level# #enlargements#, the provisions of this Section, inclusive, shall apply.

For the purposes of applying the special streetscape regulations of this Section, inclusive, a #shore public walkway#, mapped parkland, #supplemental public access area#, #upland connection# or a fire apparatus access road provided pursuant to the provisions of Section [87-61](#) (Special Provisions for Certain Fire Apparatus Access Roads), shall be considered a #street# and its boundary shall be considered a #street line#.

87-411 - Ground floor uses

LAST AMENDED
12/11/2017

Within the Core and South Subdistricts, as shown on Map 1 in the Appendix to this Chapter, the following shall apply:

(a) Minimum amount of required #ground floor level# #floor area#

At least 50 percent of the width of the #ground floor level# #street wall# of a #building# shall be occupied by #floor area#, and on Parcels 1 and 2, as shown on Map 1, the entire width of the #ground floor level# #street wall# facing a #shore public walkway# or a mapped parkland, shall be occupied by #floor area#. Such #floor area# shall be allocated to any permitted #use#, except #group parking facilities#.

(b) Required non-#residential uses# in certain locations

The #ground floor level# #street wall# within 50 feet of the intersection of two #streets#, designated on Map 2, shall be occupied exclusively by non-#residential# #floor area#. In addition, on Parcels 3 and 4, at least 50 feet of additional #ground floor level# #street wall# facing the #shore public walkway# shall be occupied exclusively by non-#residential# #floor area#, at the locations designated on Map 2. Offices (Use Group 6B) and clubs (Use Group 6E) as listed in Section [32-15](#), automotive service establishments (Use Groups 8C, 7D and 12D) as listed in Sections [32-16](#), [32-17](#) and [32-21](#), and #group parking facilities#, including entrances and exits thereto, shall not be permitted within such locations.

Non-#residential# #floor area# required pursuant to this paragraph may satisfy #ground floor level# #floor area# required pursuant to paragraph (a) of this Section.

All #ground floor level# #floor area# required pursuant to this Section shall extend to the minimum depth set forth in Section [37-32](#) (Ground Floor Depth Requirements for Certain Uses). For the purposes of applying such provisions, all #streets# shall be considered designated retail streets.

87-412 - Transparency requirements in the Core and South Subdistricts

LAST AMENDED

5/12/2021

In the Core and South Subdistricts, for non-#residential uses# located at the #ground floor level#, any portion of a #ground floor level# #street wall# that is subject to the #floor area# requirements of paragraph (b) of Section [87-411](#) (Ground floor uses) shall be glazed in accordance with the transparency requirements for designated retail streets set forth in Section [37-34](#) (Minimum Transparency Requirements), except that:

- (a) in the South Subdistrict, where the #ground floor level# #street wall# is occupied by #uses# in Use Groups 16, 17 or 18, up to 50 percent of the length of such #ground floor level# #street wall# may be exempt from such transparency requirements, provided that any #street wall# width exceeding 50 feet shall provide planting or screening in accordance with the provisions of (a)(1) or (b)(1) of Section [37-362](#) (Mitigation elements) pursuant to the provisions for Type 1 blank walls set forth in Section [37-361](#) (Blank wall thresholds); and
- (b) in #flood zones#, for #buildings# utilizing the provisions of Section [64-222](#) (Ground floor use), the provisions for Type 2 blank walls set forth in Section [37-361](#), except that only paragraph (b)(1) of Section [37-362](#) shall apply to such blank wall.

For the purposes of applying the provisions of Section [37-34](#), locations subject to the provisions of paragraph (b) of Section [87-411](#) shall be considered designated retail streets.

87-413 - Parking wrap and screening requirements in the Core and South Subdistrict

LAST AMENDED

12/11/2017

The following provisions shall apply to any #group parking facility# in the Core and South Subdistricts:

- (a) Design requirements for enclosed #group parking facilities#

All enclosed #group parking facilities# shall be located either entirely below the level of an adjacent sidewalk or any other adjacent pedestrian area required to be accessible to the public or, when located above grade, shall comply with the following:

- (1) #Group parking facilities# on the #ground floor level# within 30 feet of #street walls# subject to the provisions of Section [87-411](#) (Ground floor uses) shall be wrapped by #floor area# in accordance with the provisions of paragraph (a) of Section [37-35](#) (Parking Wrap and Screening Requirements). For the purpose of applying such provisions, #street walls# subject to the provisions of Section [87-411](#) shall be considered designated retail streets.
- (2) #Group parking facilities# along all other frontages shall either be wrapped by #floor area# or screened in accordance with the provisions for Type 2 blank walls set forth in Section [37-361](#) (Blank wall thresholds).

- (b) Open parking areas

Open parking areas shall be permitted only in the following locations:

- (1) on Parcel 1, as shown on Map 1 in the Appendix to this Chapter, a parking lot shall be permitted east of the

#Major Deegan Expressway street line#;

- (2) on Parcel 5, as shown on Map 1, a parking lot shall be permitted anywhere within the parcel only if a commercial or public utility vehicle storage #use#, as listed in Use Group 16C, is #developed# or #enlarged# as the primary #use# on the parcel;
- (3) on Parcel 6, a parking lot shall be permitted within 130 feet of the southern boundary of the parcel with East 138th Street; and
- (4) on all parcels, open, unscreened, in tandem (one behind the other), #accessory# off-street parking spaces shall be permitted on private roads, including fire apparatus access roads provided pursuant to the provisions of Section [87-61](#) (Special Provisions for Certain Fire Apparatus Access Roads), provided that all parking spaces comply with the Department of Transportation standards for on-street parking.

For such open parking lots, the provisions of Section [28-43](#) (Location of Accessory Parking) shall not apply. In addition, on Parcel 1, for parking lots located east of the #Major Deegan Expressway street line#, or, on Parcel 5, for parking lots used solely as a commercial or public utility vehicle storage #use# as listed in Use Group 16C, the provisions of Sections [37-90](#) (PARKING LOTS) and [62-655](#) (Planting and trees) shall be modified to permit fencing, excluding chain link fencing, in lieu of all planting requirements, provided that the surface area of such fencing is not more than 50 percent opaque and provided that the height does not exceed six feet. The provisions of Sections [37-90](#) and [62-555](#) shall not apply to any parking lots provided within private roads, including fire apparatus access roads provided pursuant to the provisions of Section [87-61](#).

87-414 - Special streetscape provisions for certain blank walls

LAST AMENDED

5/12/2021

The provisions of this Section shall apply to a #ground floor level# #building# frontage, or any portion thereof, facing a #street#, #shore public walkway#, #upland connection#, or fire apparatus access road provided pursuant to the provisions of Section [87-61](#) (Special Provisions for Certain Fire Apparatus Access Roads), where visual mitigation elements shall be provided in accordance with the provisions for Type 2 blank walls set forth in Section [37-361](#) (Blank wall thresholds).

87-415 - Special open area provisions

LAST AMENDED

5/12/2021

- (a) For Parcels 1, 2, 3 and 4, as shown on Map 1 in the Appendix to this Chapter, the open area between the #street wall# of a #building# fronting on the #Major Deegan Expressway street line# and the western edge of such Expressway, shall be subject to the provisions of Section [28-23](#) (Planting Areas), whether the ground floor is occupied by #residential uses# or non- #residential uses#. Such provisions shall be modified by the provisions of this Section.

- (1) Primary circulation path

A circulation path, with a width of at least 13 feet or the width of such open area, whichever is less, and the western edge of such path shall be provided within five feet of a #street wall# facing the #Major Deegan Expressway street line#. Such circulation path shall extend along the entire frontage of the #zoning lot#, and shall be constructed in accordance with Department of Transportation standards for sidewalks.

(2) Planting

At least 20 percent, but not more than 50 percent of the required open area shall be planted with any combination of perennials, annuals, decorative grasses, shrubs or trees in planting beds, raised planting beds or planter boxes. Such planting bed shall extend to a depth of at least three feet, inclusive of any structure containing the planted material, and any individual planted area shall have a width of at least five feet. For planting located east of the circulation path required pursuant to this paragraph (a), the maximum linear length of any individual planting bed shall not exceed 50 feet.

(3) Other amenities

The remainder of the open area may contain any combination of:

- (i) streetscape amenities including, but not limited to, benches or tables and chairs;
- (ii) entertainment amenities including, but not limited to, water features, playgrounds, dog runs, game tables, courts or skateboard parks; and
- (iii) streetscape-enhancing amenities including, but not limited to, trees in tree pits, and lighting, or sculptural artwork.

All streetscape and entertainment amenities provided in accordance with paragraphs (a)(3)(i) and (a)(3)(ii) of this Section shall be connected to the primary circulation path required by paragraph (a) of this Section through secondary circulation paths, paved with permeable materials, each with a minimum width of six feet. Any planting associated with an amenity including, but not limited to, playgrounds and dog runs, as applicable, may exceed the amount set forth in paragraph (b) of this Section.

Any open area not otherwise allocated to amenities or secondary circulation paths shall also be paved with permeable materials. The minimum clear space between any planted areas required by paragraph (b) of this Section, any amenity provided under this paragraph, or any combination thereof, shall be six feet.

(4) Fencing

In no event shall chain link fencing or barbed or razor wire be permitted in any open area provided pursuant to this Section. No fences may exceed a height of four feet.

(b) In the event that Parcel 1 is #developed# with #mixed buildings#, sidewalks shall be provided on such parcel as follows:

- (1) Sidewalks with a width of at least 15 feet shall be provided along the entire Exterior Street and East 149th Street frontage of a #zoning lot#.
- (2) In locations where the width of the sidewalk within the #street# is less than 15 feet, a sidewalk widening shall be provided on the #zoning lot# such that the combined width of the sidewalk within the #street# and the sidewalk widening equals at least 15 feet. However, existing #buildings# remaining on the #zoning lot# need not be removed in order to comply with this requirement.

All sidewalks and sidewalk widenings shall be constructed or improved to Department of Transportation

standards and shall connect at grade to the adjoining public sidewalks.

87-42 - Streetscape Requirements in the North Subdistrict

LAST AMENDED

12/11/2017

In the North Subdistrict, as shown on Map 1 in the Appendix to this Chapter, the provisions of this Section, inclusive, shall apply.

For the purposes of applying the provisions of Section [37-30](#) (SPECIAL GROUND FLOOR LEVEL STREETSCAPE PROVISIONS FOR CERTAIN AREAS), inclusive, to this Section, inclusive, in locations where non-#residential# #floor area# is provided along public access areas in accordance with the provisions of Section [87-421](#) (Ground floor uses in the North Subdistrict), such portions of #shore public walkways#, mapped parkland, #upland connections# or #streets# shall constitute a designated retail street.

87-421 - Ground floor uses in the North Subdistrict

LAST AMENDED

10/17/2017

For #building# walls more than 50 feet in width that face a #street#, #shore public walkway#, #public park# or #upland connection#, at least 30 percent of the width of such #building# walls shall be occupied by non-#residential# #floor area# on the #ground floor level#. Such non-#residential# #floor area# shall comply with the minimum depth provisions of Section [37-32](#) (Ground Floor Depth Requirements for Certain Uses).

87-422 - Transparency requirements in the North Subdistrict

LAST AMENDED

10/17/2017

Along designated retail streets, any #building# wall shall be glazed in accordance with the transparency requirements set forth in Section [37-34](#) (Minimum Transparency Requirements).

87-423 - Parking wrap and screening requirements in the North Subdistrict

LAST AMENDED

10/17/2017

Along designated retail streets, any off-street parking spaces shall be wrapped by #floor area# in accordance with the provisions of paragraph (a) of Section [37-35](#) (Parking Wrap and Screening Requirements).

In other locations, any #accessory# off-street parking space provided on the #ground floor level# of a #building# shall be wrapped by #floor area# or screened in accordance with the provisions of paragraph (b) of Section [37-35](#).